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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,379	07/02/2007	Alfred Thomas	1842.040US1	8132
70648	7590	02/17/2010	EXAMINER	
SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING P.O. BOX 2938 MINNEAPOLIS, MN 55402			SHAH, MILAP	
			ART UNIT	PAPER NUMBER
			3714	
			NOTIFICATION DATE	DELIVERY MODE
			02/17/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/591,379	THOMAS, ALFRED
	<b>Examiner</b>	<b>Art Unit</b>
	MILAP SHAH	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 October 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 and 47-56 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 and 47-56 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

This action is in response to the amendment received on October 21, 2009. The Examiner acknowledges that claims 1, 15, & 47 were amended, no claims were canceled, and no new claims were added. Therefore, claims 1-15 and 47-56 are currently pending.

### ***Response to Arguments***

Applicant's amendments to over come the previously presented 35 U.S.C. 112 rejection are acknowledged. The rejection is withdrawn.

Applicant's arguments, see remarks, filed October 21, 2009, with respect to the rejection(s) of claim(s) 1-15 and 47-56 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as set forth below. Therefore, this action is being made NON-FINAL to afford the applicant an opportunity to respond to the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 & 47-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Applicant Admitted Prior Art" under MPEP 2129 (hereafter "the background") in view of Phillips (U.S. Patent No. 6,120,947).

**Note:** "The background" herein refers to the section of the specification of the instant application entitled "Background of the Invention", and more specifically paragraphs 0002-0005, of the Published Application Publication Number 2007/0279538. This disclosure is considered to be admitted prior art under MPEP 2129, since it discusses what the Applicant alleges to be known in the art at the time the invention was made.

**Claims 1-4, 7-10, 12, 13, 15, 47, 48, & 50:** The background discloses what is known in the art including a gaming machine (i.e. a mechanical or video slot machine) that is capable of presenting at least two types of media to a player, including primary media and secondary media (paragraphs 0002-0005). Applicant appears to admit that primary media is displayed by the gaming machine, where primary media directed to the playing of the base game, such as the slot game including either a mechanical slot game or a video slot game using at least a primary display area of the gaming machine. Similarly, Applicant appears to admit that secondary media is directed to the content for representing bonus games, entertainment content (i.e. graphical scenes or the like), and the like on at least a secondary LCD flat-screened monitor or the like. Thus, the Examiner submits that "the background" appears to admit at least a gaming unit and a media control unit in a gaming machine used to facilitate the presentation of primary and secondary media to a player using at least a primary and secondary display, where the secondary display may be a LCD display device. Applicant also appears to disclose known pinball display using a low-resolution gas-plasma displays which used circular dots instead of pixels.

Thus, in regards to at least claims 1-4, 7-10, 12, 13, 15, 47, 48, & 50, the background fails to explicitly disclose a mask overlaying the LCD (primary or secondary) display for masking or blocking visibility of selected portions of pixels on the display, such that the appearance of the pixels are modified from a first shape to a second shape, where the mask comprises a stencil

having a matrix of dots for passing the selected portions of the pixels. In doing such, the player perceives circular or round pixels as the mask modifies the perceived shape of the pixels of the display device.

Regardless of the deficiency, it would have been obvious to those skilled in the art to utilize known methods of improving of quality of low-tech display devices using overlaid masks, stencils, plates, or the like. Diffusion plates are well known in the display arts for use in various methods, including modifying the perceived shape of pixels. The Examiner submits that Phillips discloses “mask” overlaying a display device to form circular pixels by passing selection portions of pixels via the “mask” (figure 10 and column 12, lines 3-19). Phillips discloses masks as illustrated in figure 10 can be used to form pixels of certain shapes and sizes without altering the size and shape of the laser irradiation (i.e. the pixel). Phillips teaches that the mask intercepts (i.e. blocks) portions of the colorant of the pixel that exceeds the size of the opening in the mask, causing the colorant or pixel to be the shape and size of the opening in the mask. Further, Phillips mentions that any shape or size mask can be used with the invention to form pixels or sub-pixels. Phillips discloses the mask may overlay the display device with the receiver panel, such that upon viewing the display device the appearance of the pixels are modified from the first shape to the second shape (figure 10). Also, the secondary display device as disclosed by the background presents an image as shown in prior art figure 3 of the instant application, thus, clearly the underlying display device is irrelevant as even the underlying LCD device of figure 3 includes large square pixels, which would work equally well with the mask taught by Phillips for display devices. Phillips also teaches the display devices use an array or matrix of square pixels (figure 9A), where the circular or round pixel “stencil” of dots is aligned to the corresponding square pixels (i.e. each pixel as shown in figure 9A is made of sub-pixels). Those skilled in the art would be motivated to implement a mask as

suggested by Phillips to allow for the edges of pixels to be smoothed thereby resulting in video having slightly better quality without the need to modify the hardware of the gaming machine to upgrade the secondary LCD display. For instance, such a method is applicable to retrofit an older slot machine to improve quality of the secondary LCD display without requiring changes in expensive hardware, thereby saving cost and efficiently utilizing older equipment. For at least these reasons, it appears that those skilled in the art would have found it an obvious to implement a known mask for modifying the perception of square pixels to circular pixels, as at the time the invention was made, displays incorporating circular or round pixels by default proved to be of better quality for at least artwork and graphical representations of media content without the need of a LCD display device of high cost or high quality. Therefore, it would have been *prima facie* obvious to those skill in the art to implement the teachings of Phillips within the gaming device as disclosed by the background for at least the purpose of providing a display of graphics where the graphics are perceived to be of higher quality then what is actually being output by the display device.

**Claims 5 & 6:** In a broadest reasonable interpretation, each dot may be considered a segment, such that the segments are arranged in seven segment units (i.e. every seven segments maybe considered a “unit”) for display of numbers or any media content.

**Claims 11, 14, & 51:** In a broadest reasonable interpretation, Phillips discloses the mask changes the shape of groups of square pixels into large round dots, such as the groups of sub-pixels as shown in figure 9A, displaying a single pixel, where the mask modifies the perceived shape of each group of sub-pixels via the mask into large round dots.

**Claims 49 & 56:** In the broadest reasonable interpretation, as the Phillips teaching of the mask is being applied to the display taught by the background, it would appear that mask or stencil of dots

lines up with corresponding graphics being displayed on that LCD (primary or secondary) display device to provide a low-tech appearance to a viewer with an appearance of increased resolution (i.e. by forming smoother edged round pixels, the resolution is perceived to be increased).

**Claims 52 & 53:** The combination of the background and Phillips discloses the invention substantially as claimed except for explicitly disclosing the means for affixing the mask to the display device, such as via a pressure sensitive adhesive or via static electricity. Nonetheless, a mask or stencil as generally known may be affixed in a variety of applications via a pressure sensitive adhesive or via simple static electricity. As Phillips appears to lack a description of the material used to construct the "mask", the Examiner submits that those skilled in the art would have found it an obvious matter of choice to affix the mask to the LCD display device using known methods based on the material used in construction of the mask. For instance, if using flexible plastic as some stencils are created in such a way, simple static electricity may be used to affix the mask/stencil to the LCD panel. Regardless of a lacking disclosure to the specific affixing means, it would have been *prima facie* obvious to those skill in the art to use known means to affix the mask/stencil to the LCD display device as the Applicant has failed to disclose how either of these well known affixing methods solves a stated problem or is for any particular reason. It would have been an art recognized equivalent for the same purpose to interchange the affixing means.

**Claim 54:** As discussed above, Phillips lacks an explicit disclosure of the material used in construction of the mask, however, all materials have *some* flex, even if such flex is unnoticeable by the human eye, thus, in a broadest reasonable interpretation, the mask of Phillips is formed of a "flexible" material.

**Claim 55:** The mask of Phillips includes a “filter”, such as the mask only allows portion of the pixel to come through the mask, thus filtering the input by intercepting portions of the pixel that exceed beyond the shape of the opening in the mask (column 12, lines 3-19).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MILAP SHAH whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MBS/

/Peter D. Vo/  
Supervisory Patent Examiner, Art Unit 3714